

4. It has been more than the time proscribed by Rule 36, FED. R. CIV. P., for Defendants to respond to Plaintiff's First Set of Request for Admissions.
5. Therefore, "The matter is admitted unless, within 30 days after service of the request, or within shorter or longer time as the court may allow or as the party may agree to in writing, subject to Rule 29, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney." Rule 30, FED. R. CIV. P.,

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests this Honorable Court to deem the matters set forth in its First Set of Request for Admissions directed to Defendants to be admitted.

RESPECTFULLY SUBMITTED,
/s/ Jennifer T. Dewees
Jennifer T. Dewees (ASB1265S35J)
Attorney for Plaintiff, Cincinnati Insurance
Company
2001 Park Place Tower, Suite 911
Birmingham, AL 35203
205-251-9958

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following on this the 18th day of May, 2007:

Timothy L. Dillard
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The Berry Building, Suite 400
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Stephen D. Heninger
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2015 Second Avenue North, Suite 200
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Steven Bullard
1405 16th Place
Valley, AL 36854
Service by Mail

Respectfully Submitted,

/s/Jennifer T. Dewees
Jennifer T. Dewees, #ASB1265S35J
2001 Park Place North
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Birmingham, Alabama 35203
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Jennifer_Dewees@staffdefense.com

Exhibit “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**CINCINNATI INSURANCE
COMPANY**

Plaintiff,

V.

**JOSEPH DONALD PRATHER and
LINDA PRATHER
Defendants.**

CV-3:06-CV-733-MHT

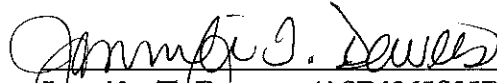
PLAINTIFF'S FIRST SET OF REQUEST FOR ADMISSIONS

COMES NOW, both Plaintiff in the referenced matter and pursuant to Rule 33, FED. R. Civ. P., and propounds this its First Set of Request for Admissions to Linda Prather:

1. Admit that neither your daughter, Tracy Swader, nor your son-in-law, Jason Swader, were resident members of your household during the time period of March 26, 2005 to March 26, 2006.
2. Admit that neither Jason Swader nor Tracey Swader were listed as additional insureds on the policy of insurance bearing number A010134532 with effective dates of March 26, 2005 to March 26, 2006.
3. Admit that you did not bargain for either Tracy Swader or Jason Swader to be insureds on the referenced policy of insurance.
4. Admit that you and/or your husband made endorsements to the referenced policy of insurance to add vehicles.

5. Admit that when additional vehicles were added to the policy that neither you nor Mr. Prather added Tracy Swader nor Jason Swader as named insureds on the policy.

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Jennifer T. Dewees", is written over a horizontal line.

Jennifer T. Dewees (ASB1265S35J)

Attorney for Plaintiff, Cincinnati Insurance

Company

2001 Park Place Tower, Suite 911

Birmingham, AL 35203

205-251-9958

CERTIFICATE OF SERVICE

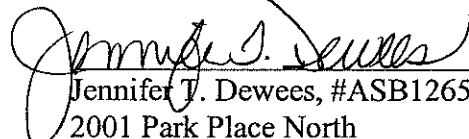
I hereby certify that a copy of the above and foregoing has been served pursuant to Fed. R. Civ. P. 5 by placing same in the United States Mail post-age pre-paid on this the 12th day of April 2007 to the following:

Timothy L. Dillard
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Respectfully Submitted,


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